

UNITED STATES DISTRICT COURT

for the

Southern District of Illinois

Arlinda Johns Pro,se

*Plaintiff(s)*

v.

Continental tires the Americas

*Defendant(s)*

)  
)  
) Case Number: 16-cv-603-NJR-PMF  
) (To be supplied by Clerk's Office)  
)

**EMPLOYMENT  
DISCRIMINATION COMPLAINT**

Plaintiff brings a complaint against Continental tires the Americas  
[defendant(s)] for discrimination as set forth below.

Plaintiff ☒ DOES ☐ DOES NOT demand a jury trial.

**I. PARTIES**

**Name and Address of Plaintiff:**

Arlinda Johns 3216 Ashland Ave  
Knoxville Tn, 37914

**Name and Address of Defendant(s):**

Continental Tires the Americas  
Kim L. Kretzschmar  
Senior Counsel  
Continental  
One Continental Drive  
Auburn Hills, Mi 48326

The plaintiff was:

- ☐ denied employment by the defendant(s).
- ☐ hired and is still employed by the defendant(s).
- ☒ employed but is no longer employed by the defendant(s).

The alleged discrimination began on or about: Nov 15, 2012 (give month, day, and year).

## II. JURISDICTION

1. Jurisdiction over this claim is based on 28 U.S.C. § 1331. Plaintiff alleges that the defendant(s) discriminated against Plaintiff because of Plaintiff's:

- ☒ **Sex** (Title VII of the Civil Rights Act of 1967, as amended, 42 U.S.C. § 2000e-5)
- ☒ **Race** (Title VII of the Civil Rights Act of 1967, as amended, 42 U.S.C. § 2000e-5, and/or 42 U.S.C. § 1981)
- ☐ **Age** (The Age Discrimination in Employment Act, 29 U.S.C. § 621)
- ☐ **Disability** (The Americans with Disabilities Act, 42 U.S.C. § 12101 and/or The Rehabilitation Act, 29 U.S.C. § 701)
- ☐ **National Origin** (Title VII of the Civil Rights Act of 1967, as amended, 42 U.S.C. § 2000e-5)
- ☐ **Religion** (Title VII of the Civil Rights Act of 1967, as amended, 42 U.S.C. § 2000e-5)
- ☒ **Other** (list): sexual orientation

2. Plaintiff ☐ Has ☐ Has Not filed a charge before the United States Equal Employment Opportunity Commission (EEOC) relating to this claim of employment discrimination. **[Attach a copy of charge to this complaint].**

Plaintiff ☒ Has ☐ Has Not filed a charge before the Illinois Department of Human Rights relating to this claim of employment discrimination. **[Attach a copy of charge to this complaint].**

3. Plaintiff's Right to Sue Notice from the EEOC was received on or about \_\_\_\_\_ (date). **[Attach a copy of Notice of Right to Sue to this complaint].**

### III. STATEMENT OF LEGAL CLAIM

Plaintiff is entitled to relief in this action because:

The Plaintiff was harassed, threatened, and discriminated against, during the course of her responsibilities as a final finish set up technician at Continental tire, for two years that she was employed there in direct violation of Title 42 USC sect. 2000(e).

### IV. FACTS IN SUPPORT OF CLAIM

State here briefly and clearly as possible the essential facts of your claim. Take time to organize your statement. You may use numbered paragraphs if you find it helpful. Describe precisely how each defendant in this action is involved. Give dates and places. Concentrate on describing as clearly and simply as possible the employment practice you allege to be illegal and how it discriminated against you. It is not necessary to make legal arguments or cite any cases or statutes. In most circumstances, this only makes your claim difficult to understand. As much as possible, let the facts speak for themselves.

- 1) The plaintiff was employed as a final finish Set up technician at Continental tire From Oct, 2012 to about Oct 28, 2014.
- 2) The Plaintiff first went to human resources on or about May 2013 talked to Kevin Elko (human resources for truck tires) and presented him with evidence and claims that the plaintiff had gathered over the last few months. The plaintiff expressed to him that her coworkers were calling her Black Dikes, Dumbass, and stated that all the plaintiff needs is some "good dick" or a "good man". She complained specifically about Tim Bays, Tim Sidell and Steve Valeni. It was stated to the plaintiff that he would "talk" to them about their behavior.
- 2) On or about august 2013, The defendant again complained about being called a black dike by Steve Valeni and Tim Bays, she reported this to supervisor Justin Drew. The plaintiff also started recording conversations with supervisors in which she complained about the harassment and name calling.
- 3) On or about sept. 2013, there was a machine breakdown prompting employees to stack tires. Steve Valeni ( who is well over 300 lbs an ex marine and body builder) got angry an took his aggression out on the Plaintiff, Mr. Valeni then proceeded to accost the plaintiff get right in her face, calling her a fucking cunt and saying he would break her in half. The plaintiff is 5'7 125 lbs. The plaintiff went to The supervisor Danny in tears saying she was gonna quit and that she was afraid of Valeni. two days later the plaintiff met with Valeni and human resources where he brought a note stating he had forgot to take his meds, human resources found this excuse acceptable and the plaintiff was told to learn to get along.
- 4) On or about sept. 2013 the stress from the harassment cause the plaintiff to start drinking. This is documented with The federal Probation dept. in Benton Illinois. The plaintiff willingly paid 92.00 an hr out of pocket to attend counseling sessions at the H group in Marion Illinois, with Susan Bennet. The plaintiff has months of counseling notes that were entered into federal court about the harassment of the Plaintiff, Federal Public defender interviewed some coworkers and got supporting statements of the harassment and bullying endured by the Plaintiff. This is on public record in Federal Court.
- 5) On or about May 2014 an employee found the Plaintiff facebook account where the plaintiff had posted a photo in 2012 about her offer of employment at continental tire. Her co workers caught wind of the plaintiff salary and unleashed a new barrage of terrorization of the plaintiff. Steve Valeni said " there hasn't been a goddamn nigger here in 40 years" He then started telling coworkers not to "tell the dike" any info about a work activity. Tim Bays said " I can't believe they gave a nigger that much" in reference to my salary. Tim Bays would also print out job openongs from around the plant and place them on the plaintiffs work bike. Tim Bays also drew chalk drawings of a female with dreadlocks with the comments "Tray is th

Continued....

5) "the Man" (The Plaintiff is known by her nickname which is Tray)

6) On or about august, The plaintiff went to Kevin Elko and John Baker stating with the upcoming shift change she would be scheduled to work with Tim Sidell, The Plaintiff requested a meeting with Human resources and Tim Sidell and also requested that a female representative be present. The reasons given by the Plaintiff to John Baker and Kevin Elko was that the Plaintiff was afraid for her safety and did not wish to work with Tim Sidell without having That meeting first. That meeting never came to fruition and repeated please from the plaintiff.

7) on or about august 2014 the plaintiff also complained about the repeated use of the word nigger by her coworkers she reported this to Johns Baker and Kevin Elko and was told that they were inverstigating and that she just had to get along with Tim Sidell and her coworkers

8) the plaintiff maintained a diary of these incidents down to the the date time and clothes that her coworkers were wearing at the time of the harrassment, The plaintiff can also provide pictures that were drawn, Notes that were left, and recorded conversations with supervisors, with the plaintiff in tears complaining about the harassment. Also the plaintiff has a witness list of people formerly and currently employed that witnessed the harasment.

### V. RELIEF YOU REQUEST

Based on the foregoing, Plaintiff seeks the following relief: (check below what you want the court to do for you – make as many checks as you like, and use additional sheets, if necessary).

- ☐ An award of back pay
- ☐ Reinstatement to Plaintiff's old position
- ☐ Costs of suit (but not attorney fees)
- ☒ An award of money damages
- ☐ Other (explain below)

Signed on: 6/1/2016  
(date)

3216 Ashland Ave  
Street Address

Knoxville Tn, 37914  
City, State, Zip

  
Signature of Petitioner

Arlinda Johns  
Printed Name

\_\_\_\_\_  
Signature of Attorney (if any)



JS 44 (Rev. 11/15)

**CIVIL COVER SHEET**

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

**I. (a) PLAINTIFFS**

Arlinda Johns

**DEFENDANTS**

Continental Tires the Americas

(b) County of Residence of First Listed Plaintiff knox, tn  
(EXCEPT IN U.S. PLAINTIFF CASES)

County of Residence of First Listed Defendant jefferson county  
(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED.

(c) Attorneys (Firm Name, Address, and Telephone Number)

Attorneys (If Known)  
Kim L. Kretzschmar, Senior Counsel  
Continental  
One Continental Drive Auburn Hills Mi, 48326

**II. BASIS OF JURISDICTION** (Place an "X" in One Box Only)

- ☐ 1 U.S. Government Plaintiff
- ☒ 3 Federal Question (U.S. Government Not a Party)
- ☐ 2 U.S. Government Defendant
- ☐ 4 Diversity (Indicate Citizenship of Parties in Item III)

**III. CITIZENSHIP OF PRINCIPAL PARTIES** (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- |   | PTF                                   | DEF                        |   | PTF                        | DEF                                   |
|---|---------------------------------------|----------------------------|---|----------------------------|---------------------------------------|
| Citizen of This State                   | <input type="checkbox"/> 1            | <input type="checkbox"/> 1 | Incorporated or Principal Place of Business In This State     | <input type="checkbox"/> 4 | <input checked="" type="checkbox"/> 4 |
| Citizen of Another State                | <input checked="" type="checkbox"/> 2 | <input type="checkbox"/> 2 | Incorporated and Principal Place of Business In Another State | <input type="checkbox"/> 5 | <input type="checkbox"/> 5            |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3            | <input type="checkbox"/> 3 | Foreign Nation  | <input type="checkbox"/> 6 | <input type="checkbox"/> 6            |

**IV. NATURE OF SUIT** (Place an "X" in One Box Only)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES	
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excludes Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	<b>PERSONAL INJURY</b> <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury <input type="checkbox"/> 362 Personal Injury - Medical Malpractice	<b>PERSONAL INJURY</b> <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 367 Health Care/Pharmaceutical Personal Injury Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability <b>PERSONAL PROPERTY</b> <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 690 Other <b>LABOR</b> <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Management Relations <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 751 Family and Medical Leave Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Employee Retirement Income Security Act <b>IMMIGRATION</b> <input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 465 Other Immigration Actions	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 <b>PROPERTY RIGHTS</b> <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark <b>SOCIAL SECURITY</b> <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) <b>FEDERAL TAX SUITS</b> <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	<input type="checkbox"/> 375 False Claims Act <input type="checkbox"/> 376 Qui Tam (31 USC 3729(a)) <input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 896 Arbitration <input type="checkbox"/> 899 Administrative Procedure Act/Review or Appeal of Agency Decision <input type="checkbox"/> 950 Constitutionality of State Statutes
<b>REAL PROPERTY</b> <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	<b>CIVIL RIGHTS</b> <input type="checkbox"/> 440 Other Civil Rights <input type="checkbox"/> 441 Voting <input checked="" type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 445 Amer. w/Disabilities - Employment <input type="checkbox"/> 446 Amer. w/Disabilities - Other <input type="checkbox"/> 448 Education	<b>PRISONER PETITIONS</b> <b>Habeas Corpus:</b> <input type="checkbox"/> 463 Alien Detainee <input type="checkbox"/> 510 Motions to Vacate Sentence <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty <b>Other:</b> <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition <input type="checkbox"/> 560 Civil Detainee - Conditions of Confinement			

**V. ORIGIN** (Place an "X" in One Box Only)

- ☒ 1 Original Proceeding    ☐ 2 Removed from State Court    ☐ 3 Remanded from Appellate Court    ☐ 4 Reinstated or Reopened    ☐ 5 Transferred from Another District (specify)    ☐ 6 Multidistrict Litigation

**VI. CAUSE OF ACTION**

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):  
Title 42, USC sect. 2000(e)

Brief description of cause:  
Discrimination and Harassment in the workplace

**VII. REQUESTED IN COMPLAINT:**

☐ CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P.    DEMAND \$

CHECK YES only if demanded in complaint:  
JURY DEMAND: ☒ Yes    ☐ No

**VIII. RELATED CASE(S) IF ANY**

(See instructions):

JUDGE

DOCKET NUMBER

DATE

SIGNATURE OF ATTORNEY OF RECORD

FOR OFFICE USE ONLY

RECEIPT #

AMOUNT

APPLYING IFP

JUDGE

MAG. JUDGE



Arlinda Johns  
3216 Ashland ave  
Knoxville TN, 37914

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62812